

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-1209 JGB (KSx)**Date **January 26, 2024**Title ***Nelson Chilin v. Richard H. To, et al.***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause re Dismissal for Failure to Prosecute  
(IN CHAMBERS)**

On June 22, 2023, Plaintiff Nelson Chilin (“Plaintiff”) filed a complaint against Defendant Richard H. To (“Defendant”) and Defendants Does 1 through 10. (“Complaint,” Dkt. No. 1.) Plaintiff served Defendant with the summons and Complaint on September 9, 2023—accordingly, Defendant’s answer was due on October 2, 2023. (Dkt. No. 15.) To date, Defendant has not filed an answer to the Complaint. On December 8, 2023, Plaintiff requested an entry of default against Defendant. (Dkt. No. 16.) The Clerk of this Court entered default against Defendant on December 12, 2023. (“Default,” Dkt. No. 17.) To date, Plaintiff has not moved for default judgment against Defendant.

Federal Rule of Civil Procedure 41(b) grants the Court authority to *sua sponte* dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute her case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). Here, it appears that Plaintiff has failed to prosecute the case with reasonable diligence because he has failed to file a motion for default judgment for over one month.

Accordingly, the Court, on its own motion, orders Plaintiff to file a motion for default judgment or to show cause in writing as to why he has not moved for default judgment, on or before **February 5, 2024**. Failure to comply with this order may result in dismissal of the action.

Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument.

**IT IS SO ORDERED.**